

SUPERIOR COURT OF NEW JERSEY, COUNTY OF BURLINGTON

ELISA KLING

Plaintiff/Petitioner

Case No.: BUR-L-2581-21

vs.

COSTCO WHOLESALE CORP. dba COSTCO., et al.

Defendant/Respondent

AFFIDAVIT OF SERVICE OF

Letter; Summons; Complaint and Jury Demand; Civil
case Information statement; Track Assignment Notice

Received by Hillary Hitz, on the 20th day of December, 2021 at 2:35 PM to be served upon COSTCO Wholesale Corp.
at 999 Lake Drive, Issaquah, King County, WA 98027.

On the 22nd day of December, 2021 at 3:26 PM, I, Hillary Hitz, SERVED COSTCO Wholesale Corp. at 999 Lake
Drive, Issaquah, King County, WA 98027 in the manner indicated below:

CORPORATE SERVICE, by personally delivering 1 copy(ies) of the above listed documents to the named Corporation,
by serving Ann Schovajsa, on behalf of said Corporation.

THE DESCRIPTION OF THE PERSON WITH WHOM THE COPY OF THIS PROCESS WAS LEFT IS AS FOLLOWS:
I delivered the documents to Ann Schovajsa who indicated they were the person authorized to accept with
identity confirmed by subject showing identification. The individual accepted service with direct delivery. The
individual appeared to be a gray-haired white female contact 55-65 years of age, 5'4"-5'6" tall and weighing 140-
160 lbs. Security called upstairs to get someone from the legal department.
A woman approached me identified herself and told me she was authorized to accept. I presented and she
accepted.

Service Fee Total: \$85.00

Per U.S. Code § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing
is true and correct.

NAME:

Hillary Hitz
Hillary Hitz

302-3721

Server ID #

Date

12/28/21

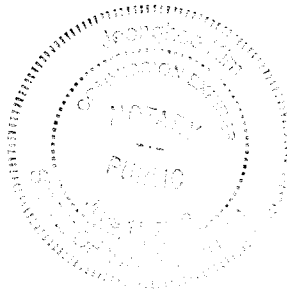
Notary Public: Subscribed and sworn before me on this 28th day of December in the year of 2021
Personally known to me _____ or X identified by the following document:

Number/Reference: HITZ*HL161KM
Type: WA Driver License

Notary Public for State of: Washington
Commission Expiration: 06/14/2022

Notary Public (Legal Signature)

[Signature]



REF: REF-9324328

Page 1 of 1

Tracking #: 0080954061



MICHAEL J. GLASSMAN & ASSOCIATES, LLC

By: Andrew A. Wenker, Esquire (I.D. 023722010)

Laurelwood Corporate Center

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Voorhees, New Jersey 08043

856. 784. 9222

ATTORNEYS FOR THE PLAINTIFF

ELISE KLING, Plaintiff, v. COSTCO WHOLESALE CORP d/b/a COSTCO; ABC CORP(S) (1-100); and JOHN DOE(S) (1-100), Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION BURLINGTON COUNTY DOCKET NO. BUR-L- Civil Action COMPLAINT AND JURY DEMAND
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The Plaintiff, ELISE KLING, residing at 157 Hickory Street, Mt. Holly, New Jersey 08060, by way of Complaint against the Defendant(s), says as follows:

COUNT ONE

1. On or about December 22, 2019, the Plaintiff ELISE KLING was a business invitee at the business known as Costco located at or about 100 Centeron Road, Mt. Laurel, New Jersey, 08054.

2. The aforesaid premises/property was owned, operated, controlled, managed, in the possession or custody of, maintained, repaired by, and/or otherwise the safety responsibility of Defendant(s), COSTCO WHOLESALE CORP. d/b/a COSTCO and/or ABC CORP(S) (1-100) fictitious names for presently unknown and/or unidentified individual(s) and/or corporation(s), partnership(s), unincorporated association(s), and/or other form(s) of a business entity(ies), and/or the agent(s) and employee(s) of the aforesaid.

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3. At the aforesaid time and place, the Plaintiff suffered bodily injuries from a slip and fall inside Defendant's business which occurred in the food court near a self-serve beverage machine.

4. The area of the aforesaid injuring incident/accident represented a dangerous condition and hazard to business invitees, including the Plaintiff, and no warning and/or caution signs were present and no other steps were taken by the aforesaid Defendant(s) to prevent the dangerous condition and incident from occurring.

5. The accident was caused by the negligence, carelessness, and recklessness of the aforesaid Defendant(s), individually, jointly, severally and in the alternative and is predicated on individual acts and/or omissions and/or on the principles of *respondeat superior*.

6. As a direct and proximate result of the incident, the Plaintiff has incurred, is incurring and/or shall incur severe, consequential, and significant permanent personal injuries, medical bills, various costs and expenses, emotional distress, loss of income, loss of enjoyment of life, and pain and suffering.

7. In addition, the Plaintiff has and shall be restricted and/or prevented from pursuing her usual activities, occupations, and employments.

WHEREFORE, Plaintiff ELISE KLING hereby demands judgment against Defendant(s), COSTCO WHOLESALE CORP. D/B/A COSTCO and/or ABC CORP(S) (1-100), individually, jointly, severally and in the alternative, for damages, interests and costs and such other and further relief as may seem just and proper to the court.

COUNT TWO

1. Plaintiff hereby repeats and incorporates by reference the allegations of the preceding Count(s) as if they were set forth here at length.

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2. The aforesaid self-serve beverage machine and/or other food and/or beverage machines located near Plaintiff's fall were owned, maintained, serviced, repaired, and/or otherwise the maintenance responsibility of Defendant COSTCO WHOLESALE CORP. d/b/a COSTCO and/or XYZ CORP(S) (1-100) fictitious names for presently unknown and/or unidentified individual(s) and/or corporation(s), partnership(s), unincorporated association(s), and/or other form(s) of a business entity(ies), and/or the agent(s) and employee(s) of the aforesaid.

3. The aforesaid accident was caused by the defective nature of the food and/or beverage machines located near the fall.

4. The accident was caused by the negligence, carelessness, and recklessness of the aforesaid Defendant(s), individually, jointly, severally and in the alternative and is predicated on individual acts and/or omissions and/or on the principles of *respondeat superior*.

WHEREFORE, Plaintiff ELISE KLING hereby demands judgment against Defendant(s), COSTCO WHOLESALE CORP. d/b/a COSTCO and/or XYZ CORP(S) (1-100), individually, jointly, severally and in the alternative, for damages, interests and costs and such other and further relief as may seem just and proper to the court.

JURY DEMAND

The Plaintiff hereby demands a trial by jury.

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to Rule 4:17-1(b), Plaintiff hereby demands that Defendant(s) provide certified answers to Form C and Form C(1) Interrogatories set forth in the Appendix of the Rules Governing the Courts of the State of New Jersey, as well as Supplemental Interrogatories to be served by counsel.

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NOTICE PURSUANT TO RULES 1:5-1(a) AND 4:17-4(c)

TAKE NOTICE that the undersigned attorney, counsel for Plaintiff, does hereby demand, pursuant to Rules 1:5-1(a) and 4:17-4(c) that each party herein serving pleadings and Interrogatories and receiving answers thereto, serve copies of all such pleadings and answered Interrogatories received from any party upon the undersigned attorney and TAKE NOTICE that this is a continuing demand.

NOTICE OF UTILIZATION OF TIME UNIT METHOD OF CALCULATING DAMAGES

Be advised that Plaintiff may utilize the time unit method for calculating damages at the time of trial.

NOTICE TO UTILIZE MEDICAL ILLUSTRATIONS

Plaintiff's experts may utilize medical charts and/or medical diagrams and/or medical illustrations of the affected areas of the body at the time of trial.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provision of R. 4:25-4, notice is given that ANDREW A. WENKER, ESQUIRE is hereby designated as trial counsel.

RULE 4:5-1 CERTIFICATION

This is to certify that this matter is not the subject of any other pending action in any court, or of any pending arbitration proceeding and that none is contemplated. There are no other presently known parties who should be joined as parties to this action.

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MICHAEL J. GLASSMAN & ASSOCIATES, LLC
Attorneys for Plaintiff

By: /s/ Andrew A. Wenker

ANDREW A. WENKER, ESQUIRE

DATED: December 3, 2021

Civil Case Information Statement

Case Details: BURLINGTON | Civil Part Docket# L-002581-21

Case Caption: KLING ELISE VS COSTCO WHOLESAL
COR P. D/B/A

Case Initiation Date: 12/06/2021

Attorney Name: ANDREW A WENKER

Firm Name: MICHAEL J. GLASSMAN & ASSOCIATES LLC

Address: 1103 LAUREL OAK RD STE 140

VOORHEES NJ 08043

Phone: 8567849222

Name of Party: PLAINTIFF : Kling, Elise

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

Are sexual abuse claims alleged by: Elise Kling? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

12/06/2021
Dated

/s/ ANDREW A WENKER
Signed